

Subpart BBBB—TR NO_x Ozone Season Trading Program

SOURCE: 76 FR 48406, Aug. 8, 2011, unless otherwise noted.

§ 97.501 Purpose.

This subpart sets forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) NO_x Ozone Season Trading Program, under section 110 of the Clean Air Act and § 52.38 of this chapter, as a means of mitigating interstate transport of ozone and nitrogen oxides.

§ 97.502 Definitions.

The terms used in this subpart shall have the meanings set forth in this section as follows:

Acid Rain Program means a multi-state SO₂ and NO_x air pollution control and emission reduction program established by the Administrator under title IV of the Clean Air Act and parts 72 through 78 of this chapter.

Administrator means the Administrator of the United States Environmental Protection Agency or the Director of the Clean Air Markets Division (or its successor determined by the Administrator) of the United States Environmental Protection Agency, the Administrator's duly authorized representative under this subpart.

Allocate or allocation means, with regard to TR NO_x Ozone Season allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart and any SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(3), (4), or (5) of this chapter, of the amount of such TR NO_x Ozone Season allowances to be initially credited, at no cost to the recipient, to:

- (1) A TR NO_x Ozone Season unit;
- (2) A new unit set-aside;
- (3) An Indian country new unit set-aside; or
- (4) An entity not listed in paragraphs (1) through (3) of this definition;
- (5) Provided that, if the Administrator, State, or permitting authority initially credits, to a TR NO_x Ozone Season unit qualifying for an initial

credit, a credit in the amount of zero TR NO_x Ozone Season allowances, the TR NO_x Ozone Season unit will be treated as being allocated an amount (*i.e.*, zero) of TR NO_x Ozone Season allowances.

Allowable NO_x emission rate means, for a unit, the most stringent State or federal NO_x emission rate limit (in lb/MWhr or, if in lb/mmBtu, converted to lb/MWhr by multiplying it by the unit's heat rate in mmBtu/MWhr) that is applicable to the unit and covers the longest averaging period not exceeding one year.

Allowance Management System means the system by which the Administrator records allocations, deductions, and transfers of TR NO_x Ozone Season allowances under the TR NO_x Ozone Season Trading Program. Such allowances are allocated, recorded, held, deducted, or transferred only as whole allowances.

Allowance Management System account means an account in the Allowance Management System established by the Administrator for purposes of recording the allocation, holding, transfer, or deduction of TR NO_x Ozone Season allowances.

Allowance transfer deadline means, for a control period in a given year, midnight of December 1 (if it is a business day), or midnight of the first business day thereafter (if December 1 is not a business day), immediately after such control period and is the deadline by which a TR NO_x Ozone Season allowance transfer must be submitted for recordation in a TR NO_x Ozone Season source's compliance account in order to be available for use in complying with the source's TR NO_x Ozone Season emissions limitation for such control period in accordance with §§ 97.506 and 97.524.

Alternate designated representative means, for a TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source, in accordance with this subpart, to act on behalf of the designated representative in matters pertaining to the TR NO_x Ozone Season Trading Program. If the TR NO_x Ozone Season source is also subject to the